

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:22cr58-LG-BWR

PATRICK DARNELL DANIELS, JR

MOTION FOR BOND HEARING

The Government, by and through its undersigned counsel, respectfully moves this Court to set this matter for a bond hearing. The Court should grant this motion for the following reasons.

The Defendant was previously convicted at trial of the offense charged in the Indictment. Defendant appealed his conviction. The Fifth Circuit reversed and rendered judgment on Defendant's behalf in his initial appeal. Based upon the Fifth Circuit's original ruling, the Defendant was released from Bureau of Prison's custody. However, the Government sought and received certiorari from the Supreme Court. Ultimately, the Supreme Court vacated the Fifth Circuit's original decision and remanded the case to the Fifth Circuit for further consideration. The Fifth Circuit again reversed Daniels's conviction, but explicitly held that Daniels could be retried with revised jury instructions. The Fifth Circuit's mandate issued on February 20, 2025. The Government's deadline to seek certiorari has not yet passed. The Government's options include seeking further review of the Fifth Circuit's decision. However, with the issuance of the mandate and, until or unless such review is sought, this case is again before this Court, and the Defendant again faces a felony charge.

The Government respectfully submits that the Defendant is now a “person charged with an offense” and therefore subject to Title 18, United States Code, Section 3142. Accordingly, the Government respectfully submits that the Defendant should be ordered to appear before this Court for a determination as to whether bond is appropriate and if so, whether and what conditions of release should apply.¹

The Government has consulted with counsel for the Defendant regarding this motion. Defendant opposes any restrictive conditions of release, the necessity of bond, and/or potential pretrial detention. Nevertheless, the Government requests that the Court conduct a bond hearing because the Defendant again faces his felony charge.

Respectfully submitted,

PATRICK A. LEMON
Acting United States Attorney

By: *Jonathan D. Buckner*
Jonathan D. Buckner
Assistant United States Attorney
MS Bar # 104146
1575 20th Avenue
Gulfport, MS 39501
Ph: (228) 563-7275
Jonathan.Buckner@usdoj.gov

¹ During this appearance, the Court could also enter a new Scheduling Order and Trial Order. However, should the Government seek further review of the Court of Appeals decision, then the Government will seek a stay pending resolution of such efforts.